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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/769,902
Filing Date	January 25, 2001
First Named Inventor	Reba Goodman
Art Unit	1636
Examiner Name	Daniel M. Sullivan
Attorney Docket Number	0575/61545

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☒ Other Do NOT enter Amendment submitted by applicants 7/19/04

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Petition for one month Extension of Time

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 03-3125

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other underpayments or overpayments

b. ☒ Check in the amount of \$ 385.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Peter J. Phillips	Registration No. (Attorney/Agent)	29,691
Signature	<i>Peter J. Phillips</i>	Date	September 20, 2004

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/Type)	Peter J. Phillips	Date	9/20/04
Signature	<i>Peter J. Phillips</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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01 FC:2801 385.00 DP
02 FC:2251 55.00 DP



Dkt. 0575/61545/JPW/PJP/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Reba Goodman, et al.
U.S. Serial No.: 09/769,902 Examiner: D. M. Sullivan
Filed: January 25, 2001 Group Art Unit: 1636
For: A METHOD FOR REGULATING GENES WITH
ELECTROMAGNETIC RESPONSE ELEMENTS

1185 Ave of the Americas
New York, New York 10036
September 20, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AS SUBMISSION ACCOMPANYING A REQUEST FOR CONTINUED
EXAMINATION

This Amendment is submitted concurrently with a Request for Continued Examination on the above-identified application.

A response to the May 19, 2004 Final Office Action issued by the U.S. Patent and Trademark Office in connection with the above-identified application was due August 19, 2004. Applicants are concurrently petitioning for a one month extension of time. With a one month extension of time, a response is due September 19, 2004. However, since this falls on a Sunday, a response filed on the next succeeding day which is not a federal holiday, i.e. Monday September 20, 2004, will be considered timely filed. Accordingly, this Amendment is being timely filed.

Please amend the subject application as follows: